

Applicant: El Campo Santo, Inc

Agent: DSA Architects, LLC.

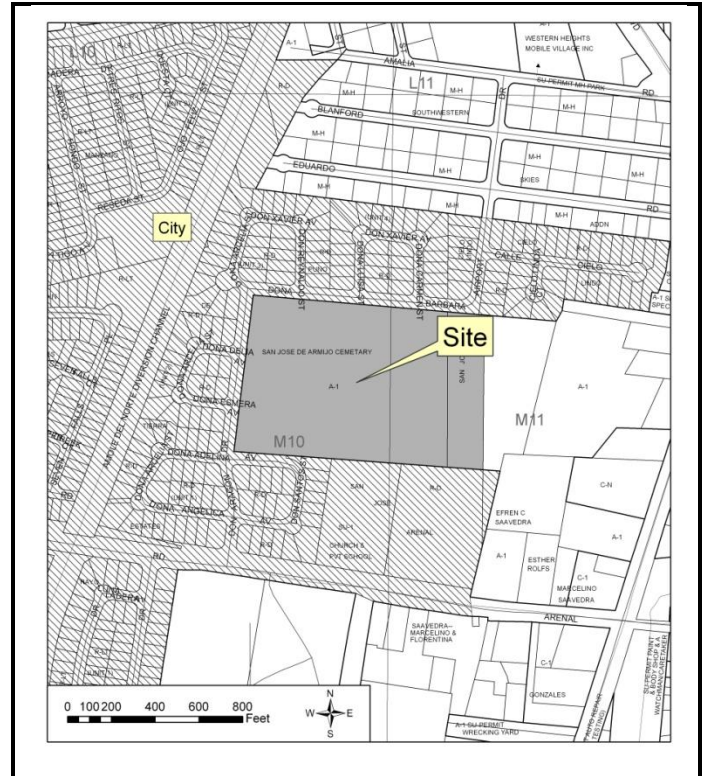
Location: 2957 Arenal Road SW

Property Size: 17.9 (approximately)

Existing Zone: A-1

Proposed Request: Special Use Permit for a Cemetery

Recommendation: Approval



Summary: This is a request for a Special Use Permit to operate a cemetery, columbarium and crematory at the San Jose de Armijo Cemetery. The cemetery is located at 2957 Arenal Road SW. The property is located just north of Arenal Rd. between Coors Blvd. to the east and Unser Blvd. to the west.

Staff Planner: Enrico Gradi, Program Planner

Attachments:

1. Application
2. Land Use Map
3. Site Plan (Commissioners Only)

Bernalillo County Departments and other interested agencies reviewed this application from 4/27/10 to 5/10/10. Agency comments are verbatim and were used in preparation of this report, which begin on page 15.

AGENDA ITEM NO.: 11
County Planning Commission
June 2, 2010

CSU-20100016 DSA Architects, LLC, agent for El Campo Santo, Inc., requests approval of a Special Use Permit for a Cemetery on Lot A3, San Jose Tract, and the cemetery tract located west of Lot A3, located at 2957 Arenal Road SW, zoned A-1, and containing approximately 17.9 acres. (M-10)

AREA CHARACTERISTICS AND ZONING HISTORY

Surrounding Zoning & Land Uses

Site	Zoning	Land Use
	A-1	Cemetery /Vacant Land
North	City of Albuquerque Residential Zoning	Multiple Single Family Dwelling Subdivision
South	City of Albuquerque Residential Zoning and SU-1 Zoning	Multiple Single Family Dwelling Subdivision and a Church
East	A-1	Vacant with one Single Family Dwelling
West	City of Albuquerque Residential Zoning	Multiple Single Family Dwelling Subdivision

BACKGROUND:

The Request

This is a request for a Special Use Permit to operate a cemetery, columbarium and crematory at the San Jose de Armijo Cemetery. The cemetery is located at 2957 Arenal Road SW. The property is located just north of Arenal Rd. between Coors Blvd. to the east and Unser Blvd. to the west.

The cemetery portion of the request is already in existence and dates back to the late 1800's to the early 1900's. Many of the grave sites and markers are not placed in a uniform manner and organization of the burial grounds is somewhat informal rather than formal and linear. The cemetery has been at this location many decades and predates the development that currently surrounds the site. In researching this site, it appears that the site has never received formal zoning approval, although it could easily be considered for a Non Conforming Use status. The applicant seeks to formalize the existing site as a cemetery and add a columbarium and crematory to the site. This site is approximately 17.9 acres of which approximately 12 acres of the site have been utilized.

The proposed plan for the undeveloped portion of the site will be phased in over time. It will consist of three 6,000 square foot columbarium gardens with approximately 1,200 interment niches per garden, a 3,000 SF crematory building and traditional burial areas connected by new asphalt drives with on-drive parking.

The submitted site plan calls for the site development to be phased.

- Phase 1 will include one 6,000 SF columbarium garden and will be completed before the end of 2011.
- Phase 2 will include the 3,000 SF crematory and the associated driveway, parking area and delivery area. This phase is expected to begin and be completed in 2013.
- Phase 3 is expected to begin and end in 2015 and will include the second 6,000 Sq ft columbarium.
- Phase 4 will consist of the final 6,000 SF columbarium garden and connecting asphalt drives with on-drive parking. This phase is expected to begin and be completed in 2019.

According to the request, traditional burial areas will develop continuously as the need arises. The cemetery is proposed to house a total of 3,600 columbarium niches, 3,600 14" x 14" cremains burial plots and approximately 5,900 4 ft. wide x 8 ft. long traditional burial plots. Approximately 2,000 traditional burial plots currently exist.

The exact number of existing burial plots is approximate since the cemetery dates back to before the 1900's and many of the burial plots are not marked with headstones or markers. Currently, the cemetery is open to visitors 7 days per week from 7AM – 7PM.

The current request proposes that the cemetery continue with the current hours of operation but allow the crematory facility will be open 24 hours per day for the purpose of transport and storage.

The proposed crematory facility is proposed to be approximately 3,000 sq. ft. and will not be open to the public, there will be no sales office or public area and access will be for employees only. The crematory is proposed to employ 2-3 employees. The crematory will be required to maintain all necessary permits and licenses and adhere to all federal, state and local regulations governing the operation of a crematory. According to the applicant, there will not be any visible sign of its operation and it is not intended to impact the surrounding area. The crematorium is proposed to be built to contain sound and located so as to not impact the surrounding neighborhoods.

Site History/Description

The San Jose de Armijo Cemetery property was a part of the original Atrisco Land Grant and has been used as a cemetery since the late 1800's. The cemetery is currently operated by El Campo Santo, Inc. which is a subsidiary of the Atrisco Heritage Foundation. El Campo Santo Inc. estimates that there are more than 2,000 existing graves within the current cemetery property. The current access, from Arenal Road, is a 30 foot wide roadway easement along the west edge of Tract 2-A to the south.

The 12 acres that are developed contain asphalt drives to access existing burial plots there is an existing 1,200 sf open air pavilion is located approximately in the center of the property that is used for burial services. A parking area is located adjacent to the pavilion that contains approximately 40 parking spaces. The existing 1,300 SF caretakers residence is located in the northeast corner of the property and is accessed from Dona Barbara, a residential street along the northern property line.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Developing Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan. The Goal for this land use area is to create a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities with the metropolitan area and which offers a variety and maximum choice in housing, transportation, work areas and life styles, while creating a visually pleasing built environment.

Policy a states that the Established and Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre.

Policy d states that the location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural, or recreational concern.

Policy e states that new growth shall be accommodated through development of areas where vacant land is contiguous to existing or programmed urban facilities and services and where the integrity of existing neighborhoods can be assured.

Policy g states that development shall be carefully designed to conform to topographical features and include trail corridors in the development where appropriate.

Policy i states that employment and service uses shall be located to complement residential areas and shall be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

Policy j states that where new commercial development occurs, it should generally be located in existing commercially zoned areas as follows:

- In small neighborhood-oriented centers provided with pedestrian and bicycle access within reasonable distance of residential areas for walking or bicycling.
- In larger area wide shopping centers located at intersections of arterial streets and provided with access via mass transit; more that one shopping center should be allowed at an intersection only when transportation problems do not result.
- In free standing retailing and contiguous storefronts along streets in older neighborhoods.

Policy k states that the land adjacent to arterial streets shall be planned to minimize harmful effects of traffic; livability and safety of established residential neighborhoods shall be protected in transportation operations.

Policy l states that quality and innovation in design shall be encouraged in all new development design shall be encouraged which is appropriate for the plan area.

Policy m states that urban and site design which maintains and enhances unique vistas and improves the quality of the visual environment shall be encouraged.

Air Quality

The Goal is to improve air quality to safe guard public health and enhance the quality of life.

Policy g states that pollution from particles shall be minimized.

- Use vegetation, landscaping and other erosion control techniques to minimize dust pollution especially from construction sites.
- Modify the Development process manual to expand requirements for topsoil disturbance permits and dust control plans for excavations greater that $\frac{3}{4}$ acre; monitor and strictly enforce the existing regulations regarding airborne particulates.

Economic Development

The Goal is to achieve steady and diversified economic development balanced with other important social cultural and environmental goals.

Policy 6.a states that, “new employment opportunities which will accommodate a wide range of occupational skills and salary levels shall be encouraged and new jobs located convenient to areas of need.

Policy 6.b states that, “development of local business enterprises as well as the recruitment of outside firms shall be emphasized.”

West Side Strategic Plan – Bridge Westgate Community

The Westside Strategic Plan’s (“Plan”) purpose and intent is to provide a framework of strategic policies with which to manage future growth and development on Albuquerque’s Westside. Specific boundaries are shown on the Plan Boundary Map in the Plan. The Plan includes applicable land use policies for the Bridge/Westgate Community.

Policy 1.9 states, “In the Established and Developing Urban areas mapped by the Albuquerque/Bernalillo County Comprehensive Plan, future neighborhood and community centers may be designed and developed at appropriate locations.”

Policy 3.40: Urban styles services are appropriate in the Community. This area shall receive high priority for public infrastructure spending.

Policy 3.42: Support the location of mixed-use higher density development within this Community in the Activity Centers internal to the Community.

Policy 3.43: Additional very low density, rural character development is not appropriate in this Community and should be located in adjacent rural areas.

Southwest Area Plan (SWAP)

The site is located in Residential Area Five of the Southwest Area Plan.

Policy 26 (h) allows up to nine dwelling units per net acre in Residential Area 5, when city water and sewer services are available.

Policy 25 states the County and City shall stabilize residential zoning and land use in the plan area.

Policy 40 encourages the location of newly developing neighborhood scale commercial and office use be within their defined village centers.

Policy 41 balance economic development and the quality of life for existing communities as well as for newly developed areas.

Policy 44 promotes small-scale community commercial centers which foster a market place atmosphere; improve profit for small businesses; provide jobs; and circulate dollars within the area economy to enhance a community environment and meet retail, recreational and service needs of area residents.

Policy 45 emphasizes job creation and expansion of employment opportunities for the resident of the Southwest Area Plan.

Bernalillo County Zoning Ordinance

Resolution 116-86 lists policies for evaluating a Zone Map changes and Special Use Permit applications.

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan or other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. There was an error in the original zone map.
 - 2. Changed neighborhood or community conditions justify a change in land use or
 - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
 - 1. denied due to lack of capital funds; or
 - 2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.

- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a "strip zoning." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

Section 18. Special Use Permit Regulations

- A. By Special Use Permit after receipt of a recommendation from the Bernalillo County Planning Commission, the Board of County Commissioners may authorize the location of uses in any one in which they are not permitted by other sections of this ordinance; the Board of County Commissioners may likewise authorize the increase in height of buildings beyond the limits set fourth by sections of the zoning ordinance. With such permits, the Board of County Commissioners may impose such conditions and limitations as it deems necessary:
 - 1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located.

2. To ensure that the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

Section 18.B.7 (Special Use Permit) lists 'Cemetery' as a use, including columbarium, mausoleum, or crematory, provided that any site for a new cemetery shall contain at least 20 acres.' (This requirement was changed to 10 acres in May, 2000.)

Section 19.A (Landscaping and buffer landscaping regulations) states that landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses. For sites of more than five acres the following requirements apply:

1. There shall be a landscaped setback along all streets of no less than 20 feet.
2. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
3. Fifteen percent of all paved areas shall be landscaped. This landscaped setback may not contribute toward this requirement.

ANALYSIS:

Surrounding Land Use and Zoning

Land use in the immediate area is a mix of single family residential, public/institutional, commercial service and commercial retail. Zoning in the area is mostly single family residential with commercial, institutional and recreational uses along major arterials. The areas located on the north, west and south of the site are located in the City Of Albuquerque and contain single family residential subdivisions at approximately 4 to 5 dwelling units per acre. A portion of the area south of the site is contains a church. The access to the site is located on the south site, this access point consists of a paved road approximately 25 feet wide that connects to Arenal Road.

There are several Special Use Permits in the general vicinity of the site, both on Coors Boulevard and Arenal Road. These Special Permits include a Special Use Permit for a Church and Private School, within the Municipal Limits south of the subject site, and a Special Use Permit for a Feed Lot (CSU-40017) located approximately 200 feet south east of the site.

Plans

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Developing Urban Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan. The principal Goal for the Developing Urban Area addresses the creation of a quality urban environment which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers a variety and maximum choice of housing, transportation, work areas and lifestyles, while creating a visually pleasing built environment.

Land use Policy a states that “the Developing Urban Areas shall allow a full range of urban land uses, resulting in an overall gross density of up to five dwelling units per acre.” Further, Policy d establishes that “the location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources and resources of other social, cultural or recreational concern.”

As requested, the proposed request is for a cemetery, columbarium and crematory. This area is surrounded by predominantly residential uses and a church located along the south east portion of the site. The proposed request is of an intensity that appears to facilitate the Comprehensive Plan because the location and intensity of the request is consistent with existing neighborhood values based on the infrequency of traffic to and from the site and the tranquil nature of a cemetery.

Comprehensive Plan Policy i calls for employment and services uses to be located so as to complement residential areas and be sited to minimize adverse effects of noise, lighting, pollution, and traffic on residential environments.

Southwest Area Plan

The site is located in Residential Area Five (5) of the Southwest Area Plan, which recommends nine (9) dwelling units per acre in this area of the South Valley.

Although the site is not within a defined village center as called for in Policy 40 of the Southwest Area Plan, Policy 41 calls for balancing economic development and the quality of life for existing communities well as for newly developed areas.

Zoning Ordinance

The applicant has justified the land use request with reference to the need for such a use in the general area. Much of the justification is based on the historical context of the site and the fact that the land uses that surround the site have transpired long after the establishment of this site as a cemetery. The current agricultural/residential zone (A-1) appears to be inappropriate for this site.

The proposed site plan meets the landscape requirements of the zoning ordinance with one exception. Due to the location of many burial sites adjacent to the existing solid wall surrounding the site the applicant is requesting that the required six foot landscape buffer requirement be waived. A field inspection of the site supports that claim and staff recommends that the area of the site that contains historical burial sites adjacent to the existing wall be

allowed to remain undisturbed.

Section 18.B.7 (Special Use Permit) lists 'Cemetery', with the only criterion being a property size of at least 10 acres. This property meets the 10 acre requirement.

Agency Comments

The public Works Division has received a conceptual grading and drainage plan and requires a final grading and drainage plan as a Condition of Approval within 60 days of approval. A Traffic Scoping Report was submitted and approved.

The Bernalillo County Office of Environmental Health has commented that prior to operation, the applicant must demonstrate adequate licensure from the New Mexico Board of Thanatopractice to perform the activities associated with the operation of a cemetery, columbarium and crematory as established by New Mexico State Law.

Analysis Summary

Zoning	
Resolution 116-86	The proposed cemetery is not in conflict with adopted elements of the Comprehensive Plan and other adopted plans.
	The proposed request would be more advantageous to the community in that it provides for neighborhood scale services to this particular area of the South Valley
Plans	
Comprehensive Plan	Consistent with the Developing and Established Urban designation of mixed uses.
Southwest Area Plan	The proposed request could balance economic development and the quality of life for the surrounding community as well as for new developed areas that would not interfere with the integrity and character of the area.
Other Requirements	
Public Works	A conceptual Grading and Drainage Plan has been submitted PWDN20100028. A Final Grading and Drainage Plan will be required as a Condition of Approval within 60days of approval.
	A Traffic Scoping Report was submitted and approved.
	Prior to operation, the applicant must demonstrate adequate licensure from the New Mexico Board of

	Thanatopractice to perform the activities associated with the operation of a cemetery, columbarium and crematory as established by NMAC 16.64.1-12.
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Conclusion

Resolution 116-86 establishes policies regarding zone change requests in that the applicant must demonstrate that the existing zoning is inappropriate because of an error in the zone map, changed conditions in the neighborhood or community which justify a change in land use or that a different category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans. The applicant has justified the land use request with reference to the need for such a use in the general area. Much of the justification is based on the historical context of the site and the fact that the land uses that surround the site have transpired long after the establishment of this site as a cemetery. The current agricultural/residential zone (A-1) appears to in inappropriate for this site.

The request also appears to consistent with the Developing and Established designation for mixed uses as articulated in the Comprehensive Plan and in the Southwest Area Plan in that the request is if a neighborhood scale and would not interfere with the integrity and character of the area.

RECOMMENDATION:

Approval, based on the following Findings and Conditions.

Enrico Gradi
Program Planner

Findings:

1. This is a request for a Special Use Permit for a Cemetery on Lot A3, San Jose Tract, and the cemetery tract located west of Lot A3, located at 2957 Arenal Road SW, zoned A-1, and containing approximately 17.9 acres.
2. The property is located in the Developing Urban Area as designated in the Albuquerque/Bernalillo County Comprehensive Plan and in Residential Area Five (5) of the Southwest Area Plan.
3. The proposed zoning is consistent with Resolution 116-86 in that changed neighborhood conditions have occurred in the immediate area of the site away from agricultural/residential uses towards non-residential (mixed commercial) uses.
4. This request is consistent with Resolution 116-86 in that this land use is more advantageous to the community and promotes the goals in Policy 40 and 41 of the Southwest Area Plan.
5. This request is consistent with the health, safety, and general welfare of the residents of the County.

Conditions:

1. Applicant shall secure a placement permit for the manufactured home which is located on the north east corner of the site.
2. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
3. Signs provided in connection with the Special Use Permit shall meet the requirements of the O-1 zone, and shall be shown on a revised site plan that includes elevation drawings.
4. This Special Use Permit shall be issued for the life of the use.
5. A revised site development plan consistent with the Conditions of Approval shall be submitted for review and approval to the Zoning Administrator within two months of the final Board of County Commission approval. The revised plan shall include elevation drawings of all buildings and structures proposed for the site.
6. Unless otherwise noted, the foregoing Conditions of Approval shall become effective and shall be strictly complied with immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special Use Permit.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Environmental Health:

1. Applicant must demonstrate adequate licensure from the New Mexico Board of Thanatopractice to perform the activities associated with the operation of a cemetery, columbarium and crematory as established by NMAC 16.64.1-12.
2. All structures requiring water and sewer utilities must be properly connected to ABCWUA.
3. All operations on site must be done so in accordance with the Bernalillo County water conservation ordinance.

Fire:

Approved numbers or addresses shall be placed on all new and existing building in such a position as to be plainly visible and legible from the street or road fronting the property and shall contrast with their background. Numerals shall be a minimum of 4 inches in height.

Required access: Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction.

The required width of a apparatus access road shall not be obstructed in any manner, including parking of vehicles during construction and/or occupancy.

Any new building built or moved onto the site must meet the requirements of the Bernalillo County Fire Marshal's Office.

Zoning Administrator:

No comment received

Building Department Manager:

Will require building and trade permits when ZCSU application is approved.

Public Works:

DRAN:

A Conceptual Grading and Drainage Plan has been submitted PWDN20100028. A Final Grading and Drainage Plan will be required as a Condition of Approval within 60days of approval.

DRE

Traffic Scoping Report was submitted and approved.

Parks & Recreation:

No comments

Sheriff's:

No comments

COMMENTS FROM OTHER AGENCIES

MRGCOG:

No adverse comments

AMAFCA:

No adverse comments

City Planning Department/Development Services:

No adverse comments

City Open Space:

No adverse comments

City Public Works:

Transp. Planning:

Transp. Development:

Any proposed development within City of Albuquerque (COA) limits will have to comply with COA criteria on public and private improvements.

Water Resources:

No adverse comments

City Transit:

No adverse comments

ABCWUA/Utility Development Section:

NM Department of Transportation

No adverse comments

Albuquerque Public School:

No comments

PNM:

No adverse comments

COUNTY PLANNING COMMISSION

June 2, 2010

CSU-20100016

NEIGHBORHOOD ASSOCIATIONS:

South Valley Alliance of Neighborhood Association

South Valley Coalition of Neighborhoods

South West Alliance of Neighbors

